

CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 1324 by Representative Richmond

Digest of Bill as Finally Passed by the House

Present law (La. Const. Art. I, §4(B)(1) and (5)) provides that property shall not be taken or damaged by the state or its political subdivisions except for public purposes and with just compensation paid to the owner. Further provides that in every expropriation or action to take property, a party has the right to trial by jury to determine whether the compensation is just, and the owner shall be compensated to the full extent of his loss.

Present law (La. Const. Art. I, §4(B)(5)) provides that the full extent of loss shall include but not be limited to the appraised value of the property and all costs of relocation, inconvenience, and any other damages actually incurred by the owner because of the expropriation.

Present law (R.S. 38:281(4)) provides that "full extent of the loss" shall not be construed to include payment for uses which are remote, speculative, or contrary to law; uses for which the property is still suitable; or elements of property ownership which are not actually taken, used, damaged, or destroyed for levees or drainage purposes. Further, pursuant to Art. I, §4(G) and Art. VI, §42(A) of the Const. of La., payment for the full extent of the loss shall not exceed fair market value and shall not exceed the compensation required by the Fifth Amendment of the Constitution of the U.S. of America unless an exception as provided in Art. I, §4(G) of the Const. of La. is applicable.

Proposed law retains present law.

Present law (R.S. 38:301(C)(2)(e)) provides that the owner shall be compensated as provided in present law only when and if, in its discretion, the legislature, the levee board, or the federal government appropriates the funds for the compensation.

Proposed law repeals present law.

(Repeals R.S. 38:301(C)(2)(e))

Summary of Amendments Adopted by the Senate

Senate Floor Amendments to the Engrossed Bill.

1. Added provisions requiring the payment of just compensation for the acquisition of certain property, servitudes, and other accessory rights of possession.

Digest of Bill as Proposed by Conference Committee

Same as finally passed by the House.